Amendment dated March 27, 2009

Reply to Non-Final Office Action of December 15, 2008

REMARKS

Reconsideration of the application in view of the amendments above and remarks

below is respectfully requested.

I. Status of the Claims

Claims 1-6 and 8 are herein cancelled without prejudice or disclaimer of the

substantive matter therein and retaining the right to prosecute in a future continuation

application.

Claim 7 is herein amended. Support for these amendments can be found in, for

example, claims 1 and 8, page 3, paragraph [0038] and paragraph [0044].

Claim 9 is herein amended to depend on claim 7 as claim 8 was canceled without

prejudice or disclaimer.

New claims 12 to 15 were added. Support for these new claims is found, for example,

page 3, paragraphs [0033] and [0043], and in the Examples section of the specification.

Claim 3 is herein cancelled without prejudice or disclaimer of the substantive matter

therein and retaining the right to prosecute in a future continuation application.

Thus, claims 7, and 9-15 are currently pending. Reconsideration of the pending

claims in view of the following remarks is respectfully requested. No new matter is added by

way of the present amendments and entry is respectfully requested.

4

Amendment dated March 27, 2009

Reply to Non-Final Office Action of December 15, 2008

II. Claim Rejections under 35 U.S.C. § 103(a)

US 20010038802 and U.S. Patent No. 6,001,150

Claims 1, 2, 4, 5, 6, and 7 were rejected under 35 U.S.C. § 103(a) as being

unpatentable over Ozaki et al. (US 20010038802) in view of McCall et al. (U.S. Patent No.

6,001,150). Applicants respectfully traverse.

Applicants have canceled claims 1 to 6 without prejudice or disclaimer. Cancelation

of these claims is not to be construed as surrender of any subject matter. Applicants hereby

reserve the right to pursue the canceled or amended subject matter in one or more

continuation or divisional applications. Thus the Examiner's rejections with respect to claims

1, 2, 4, 5 and 6 are moot.

Amended claim 7 is now directed, inter alia, to a warm molding method comprising:

attaching a powder consisting of a hydroxyl fatty acid salt having an average particle diameter

of 50 μm or less on a forming surface of a mold, and using a warm molding raw material

powder in powder metallurgy, the warm molding raw material powder comprising a lubricant

which consists of a hydroxyl fatty acid salt having an average particle diameter of from 5 μm

to 100 µm in a range of from 0.3 wt% to 2 wt%.

In contrast, Ozaki et al. (US 2001/0038802A1), describes a lubricant for die lubrication

used during compaction pressure of a powder with a die while the lubricant is adhered by

electrification to the surface of the die, the lubricant consisting of a $\underline{mixed\ powder\ of\ at\ least}$

two different lubricants each having a melting point higher than a predetermined temperature

of the compaction pressure. See, for example, claim 1 of Ozaki et al.

5

Amendment dated March 27, 2009

Reply to Non-Final Office Action of December 15, 2008

With respect to McCall et al. (6,001.150), McCall et al. describes a novel composition

of matter for the manufacture of a sintered metal article comprising a sinterable mixture

consisting essentially of a metal powder and a lubricant, said lubricant being present in an amount of 0.1% to 5%, by weight, said lubricant comprising a mixture of boric acid and at

least one other powder metallurgy lubricant, said boric acid in said mixture providing

least one other powder metantingy lubricant, said borre acid in said infixture provid

improved processing characteristics in said manufacture.

The Examiner alleges the following in the Office Action:

"Ozaki et al teach the lubricant can be at least one kind of lubricant having a melting point higher than a predetermined temperature of the compaction pressure, the at least one lubricant can be metallic soaps such as lithium stearate and lithium

hydroxystearate. Ozaki *et al* particularly teaches using only lithium hydroxystearate as the high melting temperature solid lubricant in the amount of 0.3% by weight in

Table 1-2, Compact No. 13."

The Examiner further alleges:

Concerning claims 8-10, Ozaki et al also teaches a warm molding method wherein a mixed of powder of at least two kinds of lubricants, each having a melting point higher than a predetermined temperature for the compaction pressure, is applied to the wall of a preheated die before filling the die with the iron-based mixed powder.

to the wall of a preheated die before filling the die with the iron-based mixed powder. See, [0043] and [0045]. Note that the limitation "powder of hydroxy fatty acid salt" requires that it contains the name lubricant but does not exclude other type of

lubricant.

As the Examiner alleges above, Ozaki et al. describes that 100% by weight of lithium

hydroxystearate is used as the lubricant for powder molding in iron-based mixed powder in

Compact No. 13 of Tables 1-2. However, Ozaki et al. lies in the use of a lubricant for die

lubrication which is comprised of a mixed powder of at least two kinds of lubricants each

having a melting point higher than a predetermined temperature of the compaction pressure.

6

Amendment dated March 27, 2009

Reply to Non-Final Office Action of December 15, 2008

Applicants note that the use of one kind of lubricant for die lubrication is consciously excluded in Ozaki et al. Ozaki et al. describes that since "only one kind of lubricant for die lubrication is applied by coating, the shape of the lubricant changes near its melting point so that the function of lubricating changes to a great extent and accordingly, there has been a

problem in that the range of the compacting temperature is restricted by the melting point of

the lubricant used." (Page 1, paragraph [0012]).

In order to improve the above problems, Ozaki et al. uses a lubricant consisting of a mixed powder of at least two kinds of lubricants each having a melting point higher than a

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predetermined temperature of the compaction pressure. In contrast, claim 7 as amended in the

present application, a powder comprising a hydroxyl fatty acid salt is attached on a forming

surface of a mold, and a lubricant which comprises a hydroxyl fatty acid salt is used as the

lubricant for the warm molding raw material powder. That is, in the present invention, $\underline{\text{even if}}$

one kind of lubricant is used, excellent lubricating properties and pressing properties can be

achieved with no deterioration of the flowing property. Therefore, claim 7 clearly has a

different constitution from Ozaki et al. in this regard.

The effects achieved by claim 7, include, for example: in a conventional case where

the lithium stearate is mixed in a lubricant, there is a problem such that, if the raw material

powder is heated at a temperature of 150°C. or more, the flowing property of the raw material

powder deteriorates, in spite of a melting point of the lithium stearate which is about 220 $^{\circ}\text{C}.$

In addition, there is a problem in that sufficient lubricating and pressing properties cannot be

obtained by using the lithium stearate (paragraph [0003]).

7

Amendment dated March 27, 2009

Reply to Non-Final Office Action of December 15, 2008

Furthermore, the present invention cannot be deemed obvious over Ozaki et al in view

of McCall et al, in that the instant invention improves the above problems by using a hydroxy

stearic acid salt alone as the lubricant for the warm molding raw material powder and as the

lubricant attached on the surface of the mold. Accordingly, such effects can be achieved that

the flowing property of the raw material powder does not deteriorate at a time of heating even

at a temperature of 150 °C. to 190 °C., and also higher lubricating and pressing properties can

be obtained at a time of pressing-molding, as compared with conventional cases of using

lithium stearate. Furthermore, the lubricating property between the mold and the raw material

powder can be improved (paragraphs [0043] and [0044]).

As described above, claim 7 has a clearly different constitution from Ozaki et al., and

has a distinguished effect by the constitution. Therefore, even if McCall et al. teaches a solid

lubricant for compacting metal powder preferably having particle size below about 100

microns, it cannot be considered that claim 7 would have been obvious. For these reasons,

Applicants believe that claim 7 of the present invention is non-obvious over McCall and

Ozaki, whether taken singly or in combination, and therefore respectfully request

reconsideration and that the rejection be withdrawn.

Claims 9 to 11 and 12-15 directly or indirectly depend on claim 7. As described

above, claim 7 is patentable over Ozaki et al., in view of McCall et al., and thus these claims

too, should also be allowable.

8

Amendment dated March 27, 2009

Reply to Non-Final Office Action of December 15, 2008

CONCLUSION

In view of the foregoing amendments and remarks, Applicants believe that the

application is in condition for allowance and earnestly solicit same,

If the Examiner believes there are any remaining issues which can be resolved by an

 $\label{lem:examiner} Examiner's \ Amendment \ or \ a \ Supplemental \ Amendment, the \ Examiner \ is \ respectfully$

requested to contact the undersigned at the telephone number indicated below.

Although, Applicants believe that no further extensions of time are required with

submission of this paper, Applicants request that this submission also be considered as a petition

for any further extensions of time if necessary. The Commissioner for Patents and Trademarks is

hereby authorized to charge the amount due for any retroactive extensions of time and any

deficiency in any fees due with the filing of this paper or credit any overpayment in any fees paid

on the filing or during prosecution of this application to Deposit Account No. 04-0100.

Dated: March 27, 2009

Respectfully submitted.

By /Nicholas A. Zachariades/ Nicholas A. Zachariades

Registration No.: 56,712

DARBY & DARBY P.C.

P.O. Box 770

Church Street Station

New York, New York 10008-0770

(212) 527-7700

(212) 527-7701 (Fax)

Attorneys/Agents For Applicants

9